



# **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

## **REGULAR MEETING May 6, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET**

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### **CALL TO ORDER**

Mayor Marty Blum called the meeting to order at 2:02 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### **PLEDGE OF ALLEGIANCE**

Mayor Blum.

### **ROLL CALL**

Councilmembers present: Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

### **CEREMONIAL ITEMS**

1. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through May 31, 2008.

#### **Documents:**

May 6, 2008, report from the Administrative Services Director.

#### **Speakers:**

Staff: City Administrator James Armstrong, City Attorney Stephen Wiley and City Planner Bettie Weiss.

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1. (Cont'd)

Action: By consensus, the Council recognized the following employees:

5-Year Pin

Ramon Bravo, Senior Wastewater Collection Systems Operator, Public Works

10-Year Pin

Bruce McDonald, Senior Public Works Inspector, Public Works

15-Year Pin

Pat Kelly, Assistant Public Works Director, Public Works

25-Year Pin

Stephen Wiley, City Attorney, City Attorney's Office

Bettie Weiss, City Planner, Community Development

2. Subject: Proclamation Declaring The Week Of April 27 - May 3, 2008, As Cover The Uninsured Week (120.04)

Action: Proclamation presented to Paulina and Peter Conn, Health Care for All.

3. Subject: Proclamation Declaring May 2008 As Historic Preservation Month (120.04)

Action: Proclamation presented to Jake Jacobus, City of Santa Barbara Associate Planner, Kellam de Forrest, Pearl Chase Society, Bill LaVoie, Historic Landmarks Commission, and Tom Thomas, President of the Courthouse Legacy Foundation Board.

**PUBLIC COMMENT**

Speakers: David Wass; Jane Brown, Public Affairs Manager, Southern California Edison Company; Ruth Wilson.

**CONSENT CALENDAR (Item Nos. 4 - 15)**

The titles of the ordinance and resolutions related to the Consent Calendar were read.

Motion:

Councilmembers Horton/Williams to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Falcone).

4. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of April 21, the regular meeting of April 22, and the special meeting of April 23, 2008.

Action: Approved the recommendation.

5. Subject: March 31, 2008, Investment Report And March 31, 2008, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the March 31, 2008, Investment Report; and
- B. Accept the March 31, 2008, Fiscal Agent Report.

Action: Approved the recommendations (May 6, 2008, report from the Finance Director).

6. Subject: Request For Change Order To Professional Services Contract For Elings Park Improvement Plan (570.05)

Recommendation: That Council authorize the General Services Manager to issue a change order in an amount not to exceed \$29,100, for a total of \$59,690, to the consulting firm of Dudek and Associates, Inc., to provide professional services for the Development Review section of the Planning Division.

Action: Approved the recommendation (May 6, 2008, report from the Acting Community Development Director).

7. Subject: Capital And Operating Funds Transfer For The Los Baños Deep End Wall Replacement And Re-Plastering Project (570.07)

Recommendation: That Council authorize the additional appropriation of \$139,692 to the Los Baños Deep End Wall Replacement and Re-Plastering Project in the General Fund Capital Outlay Fund by transferring \$100,000 from the Oak Park Bridge Replacement Project, \$29,692 from the Playground Replacement Project, and \$10,000 from the Parks and Recreation Fiscal Year 2008 Operating Budget.

Action: Approved the recommendation (May 6, 2008, report from the Acting Public Works Director).

8. Subject: Authorize The Purchase Of Dell Computer Equipment (540.13)

Recommendation: That Council find it in the City's best interest to waive the formal bid process, as authorized by Municipal Code 4.52.080 (k), and authorize the City's General Services Manager to issue a purchase order with Dell Computers, Inc. (Dell), in an amount not to exceed \$39,000, to purchase computer hardware equipment for use in the Wastewater Lift Station Supervisory Control and Data Acquisition (SCADA) Computer and Communications Upgrade Project.

Action: Approved the recommendation (May 6, 2008, report from the Acting Public Works Director).

9. Subject: Agreement With The County Of Santa Barbara For The Provision Of Library Services (150.04)

Recommendation: That Council approve and authorize the Library Director to execute a three-year agreement between the County of Santa Barbara and the Cities of Santa Barbara, Santa Maria, and Lompoc for the operation of a Countywide Free Library System for Fiscal Years 2008-2010.

Action: Approved the recommendation; Agreement No. 22,808 (May 6, 2008, report from the Library Director).

10. Subject: Predevelopment Loan To Transition House For New Affordable Units At 421 East Cota Street (660.04)

Recommendation: That Council:

- A. Approve a \$100,000 loan of federal Home Investment Partnerships Program (HOME) funds to Transition House for predevelopment of a new low-income rental housing project located at 421 East Cota Street; and
- B. Authorize the Community Development Director to execute a loan agreement and related documents in a form acceptable to the City Attorney and to make non-substantive changes.

Action: Approved the recommendations; Agreement No. 22,809 (May 6, 2008, report from the Acting Community Development Director).

11. Subject: Authorization For Agreement For Legal Services (540.10)

Recommendation: That Council authorize the Public Works Director to execute a professional services agreement with the law firm of Bartkiewicz, Kronick & Shanahan (BKS) in a form acceptable to the City Attorney in the not-to-exceed amount of \$100,000 for special legal services to the City on matters related to the City's water rights.

Action: Approved the recommendation; Agreement No. 22,810 (May 6, 2008, report from the Acting Public Works Director).

12. Subject: Introduction Of Ordinance Amending The Municipal Code Pertaining To Slip Permit Assignment Of Twenty-Foot Slip Permits In Santa Barbara Harbor (570.03)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Section 17.20.005.C Pertaining to Assignment of Slip Permits for Twenty-Foot Slips Through a Twenty-Foot Slip Lottery; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Process for Assignment of Twenty-Foot Slip Permits in Santa Barbara Harbor.

Action: Approved the recommendations; Resolution No. 08-032 (May 6, 2008, report from the Waterfront Director; proposed ordinance; proposed resolution).

13. Subject: Purchase Of Property At 434 And 436 De La Vina Street For The Haley/De La Vina Street Bridge Replacement Project (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Real Property Located at 434 and 436 De La Vina Street, and Authorizing the Public Works Director to Execute an Agreement for Acquisition of Real Property with Escrow Instructions and all Related Documents that may be Required, Including Possibly Among Others, any Interim Rental Agreements, Subject to Review and Approval of the Form by the City Attorney, all Relating to the Proposed Haley and De La Vina Street Bridge Replacement Project, and Consenting to the Recordation of the Related Grant Deed in the Official Records, County of Santa Barbara.

Action: Approved the recommendation; Resolution No. 08-033; Agreement No. 22,811 (May 6, 2008, report from the Acting Public Works Director; proposed resolution).

## NOTICES

- 14. The City Clerk has on Thursday, May 1, 2008, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 15. Cancellation of the regular Redevelopment Agency meeting of May 6, 2008, due to a lack of business.

This concluded the Consent Calendar.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger L. Horton reported that the Committee met to review the March 31, 2008, Investment Report and the March 31, 2008, Fiscal Agent Report, both of which were approved by the Council as part of this Agenda's Consent Calendar (Item No. 5). The Committee also heard a presentation regarding Community Development's recommended budget for Fiscal Year 2009.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **CITY ADMINISTRATOR**

16. Subject: Letter Of Interest For Community Choice Aggregation (CCA) Feasibility Study (630.01)

Recommendation: That Council authorize the City Administrator to send a letter to the Community Environmental Council (CEC) to participate in a feasibility study to pursue a model of Community Choice Aggregation to buy and sell electricity to the community, contingent on specified conditions being met.

#### **Documents:**

- May 6, 2008, report from the City Administrator.
- May 5, 2008, e-mail communication and attachments from Dave Davis.

#### **Speakers:**

- Staff: Assistant to the City Administrator Nina Johnson, Facilities Manager James Dewey, City Administrator James Armstrong.
- Community Environmental Council: Tam Hunt, Energy Program Director/Attorney.
- Southern California Edison Company: Public Affairs Manager Jane Brown.

#### **Motion:**

Councilmembers Williams/Horton to approve the recommendation with the following revision to second sentence of the letter's second paragraph:  
"...we have agreed that at least two of the following communities need to participate...."

#### **Vote:**

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember Falcone).

## COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Preliminary Economic Development Designation For 101 East Victoria Street Project (640.09)

Recommendation: That Council make a preliminary finding that the project proposed for 101 East Victoria Street meets the definition of an Economic Development Project and grant the proposed project a Preliminary Economic Development Designation for 2,707 square feet of non-residential floor area.

Documents:

May 6, 2008, report from the Acting Community Development Director.

Speakers:

- Staff: Associate Planner Kathleen Kennedy, Principal Transportation Planner Rob Dayton.
- Applicant: Brian Cearnal, Cearnal Andrulaitis Architects; Bryn Stroyke, Owner.
- Member of the Public: Kellam de Forrest.

Motion:

Councilmembers Horton/Schneider to approve the recommendation with a proviso that a limit be determined on the unit combination.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone).

## **RECESS**

4:05 p.m. - 4:17 p.m. Councilmembers Horton and Williams were absent when the Council reconvened.

## **PUBLIC HEARINGS**

18. Subject: Appeal Of The Fire And Police Commission's Approval Of The Dance Permit For The James Joyce (520.01)

Recommendation: That Council deny the appeals of Thomas and Linda Byrne, and Tamara Erickson, thereby upholding the Fire and Police Commission's decision to approve the dance permit with conditions for The James Joyce, at 513 State Street.

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18. (Cont'd)

Documents:

- May 6, 2008, report from the Police Chief.
- May 6, 2008, letter and audio CD submitted by Tamara Erickson.
- May 6, 2008, letter and attachments submitted by Susie Thompson.

Public Comment Opened:

4:18 p.m.

Councilmembers Horton and Williams entered the meeting at 4:19 p.m.

Speakers:

- Staff: Police Captain Robert Lowry, City Administrator James Armstrong, City Attorney Stephen Wiley.
- Appellant: Tamara Erickson, Hotel Santa Barbara.
- Applicant/Appellant: Thomas Byrne, owner of The James Joyce.
- Fire & Police Commission: Commissioners Leonard Atkins and Daniel Signor.
- Members of the Public: Nate Hawky, Wahoo's Fish Tacos; Susie Thompson.

Public Comment Closed:

6:00 p.m.

Motion:

Councilmembers House/Williams to approve the recommendation.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone).

**RECESS**

Mayor Blum recessed the meeting at 6:05 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 19.

**CLOSED SESSIONS**

19. Subject: Public Employee Appointment (440.05)

Recommendation: That Council hold a closed session, pursuant to Section 54957 of the Government Code to consider a public employee appointment.

Title: Public Works Director

Scheduling: Duration, 20 minutes; anytime

Report: Anticipated

(Cont'd)



19. (Cont'd)

Documents:

May 6, 2008, report from the City Administrator.

Time:

6:10 p.m. - 6:45 p.m. Councilmember Falcone was absent.

Report:

The City Council, on a 6-0-1 vote, approved the City Administrator's appointment of Christine F. Andersen as Public Works Director.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 6:45 p.m. in honor of Judge Joe Lodge.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

_____ ATTEST: _____	
MARTY BLUM	BRENDA ALCAZAR, CMC
MAYOR	DEPUTY CITY CLERK